

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAVID JOHNSON,

Plaintiff,

v.

UNKNOWN,

Defendant.

Case No. 1:22-cv-00582-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION FOR FAILURE TO
PROSECUTE AND FAILURE TO OBEY A
COURT ORDER

(ECF No. 9)

Plaintiff David Johnson (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

New case documents were issued on May 16, 2022. (ECF No. 6.) On May 17, 2022, the assigned magistrate judge issued an order directing Plaintiff to file an application to proceed *in forma pauperis* or pay the filing fee for this action, and to file a signed complaint or a notice of voluntary dismissal, within forty-five days. (ECF No. 7.) The new case documents and the Court’s order were served on Plaintiff at his current address of record, but were both returned as undeliverable. Plaintiff did not submit an application to proceed *in forma pauperis* or pay the filing fee, file a signed complaint or notice of voluntary dismissal, or otherwise respond to the Court’s order.

Accordingly, on August 4, 2022, the magistrate judge issued findings and

1 recommendations recommending dismissal of this action, without prejudice, for failure to obey a
2 court order and failure to prosecute. (ECF No. 9.) Those findings and recommendations were
3 served on Plaintiff and contained notice that any objections thereto were to be filed within
4 fourteen days after service. (*Id.* at 4.) The findings and recommendations were returned as
5 “Undeliverable, Inactive” on August 17, 2022. No objections have been filed, the deadline to do
6 so has now passed, and Plaintiff has not otherwise communicated with the Court regarding this
7 action.

8 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
10 magistrate judge’s findings and recommendations are supported by the record and by proper
11 analysis.

12 Accordingly, IT IS HEREBY ORDERED as follows:

- 13 1. The findings and recommendations issued on August 4, 2022, (ECF No. 9), are
14 adopted in full;
- 15 2. This action is dismissed, without prejudice, due to Plaintiff’s failure to obey a
16 Court order and failure to prosecute; and
- 17 3. The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: September 8, 2022

20 
21 SENIOR DISTRICT JUDGE
22
23
24
25
26
27
28